IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3553 OF 2003

Dadasaheb Shamrao Jagdale — Petitioner
vs.
The State of Maharashtra & ors. — Respondents

Mr.P.A.Pol for the petitioner.

Mr.R.M.Patne,A.G.P. for the respondents 1 and 2.

Mr.Vinod Jadhav i/b.Mr.Rupesh Nalavade for the respondent no.3.

CORAM : R. M. LODHA &
R. S. MOHITE,JJ.

DATED : 3rd May 2005

P.C.

Heard Mr.P.A.Pol, the learned counsel for the petitioner. We also perused the order of the Maharashtra Administrative Tribunal passed on 23rd April 2001 and the available material.

2. The grievance of the petitioner is that despite the fact he secured highest marks in the written test held for selection of the police patil, the respondent no.3 who secured less marks than him was given appointment.

3. The Maharashtra Administrative Tribunal considered this aspect and observed that though the petitioner had secured higher marks than the marks secured by the respondent no.3 in the written test, the police report

indicated that the petitioner was involved in the chapter proceedings and that he had affiliation with the political parties. The concerned Sub Divisional Magistrate, in the circumstances, preferred the respondent no.3 over the petitioner. On these facts, we do not find any illegality in the selection of the respondent no.3 in place of the petitioner. It is not that the petitioner was disqualified from being appointed but the respondent no.3 was preferred over the petitioner.

4. The Tribunal's order does not suffer from any legal infirmity.

5. Writ petition is dismissed in limine.

(R.M. LODHA,J.)

(R.S. MOHITE,J.)